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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,096	05/14/2001	Daniel A. Ford	ARC920000148US1	8606

23334 7590 11/03/2004

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EXAMINER

QUINONES, ISMAEL C

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,096

Applicant(s)

FORD ET AL.

Examiner

Ismael Quiñones

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to Applicant's response without Amendment filed on June 14, 2004. **Claims 11-18** are still pending in the present application. **This Action is made NON-FINAL.**

Response to Declaration

2. The declaration filed on June 14, 2004 under 37 CFR 1.131 is sufficient to overcome the Fomukong reference (U.S. Pat. No. 6,441,752).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 11, and 13-18** are rejected under 35 U.S.C. 102(e) as being anticipated by Shapiro (U.S Pat. No. 5,705,980).

Regarding **claim 11**, Shapiro discloses a method comprising the steps of: computing a distance between a received location and the location of each of a plurality of wireless communication devices from a location database (A paging database containing locations from the person and an assigned officer, a determination made based on the location of the officers relative to the location of the person, a security system determining the location of the person

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sending an alarm signal, afterwards sending a page signal to all pager units carried by the officers assigned to the area, determining the location of the pager units; *col. 4, lines 31-67; col. 6, line 29 thru col. 7, line 30; Fig. 1*); comparing the distance with a list of preferences from a profile database (Comparing distance such as processing the person's and officers' locations in terms of the two-dimensional grid coordinates, determining the location of police/security officers relative to the location of a person sending an emergency signal in order to find the closest officer to that person; *col. 4, lines 31-67; col. 6, line 29 thru col. 7, line 30; Fig. 1*); and sending the location and identifier of the plurality of wireless communication devices satisfying the list of preferences destined for reception at one of the plurality of wireless communication devices (Sending an assistance order signal to the closest officer containing the location of the person along with the other pertinent information retrieved from a security station such as the person's name; *col. 4, lines 31-67; col. 6, line 29 thru col. 7, line 30; Fig. 1*).

Regarding **claim 13**, Shapiro discloses a method comprising the steps of: computing a distance between a received location and the location of each of a plurality of wireless communication devices from a location database (A paging database containing locations from the person and an assigned officer, a determination made based on the location of the officers relative to the location of the person, a security system determining the location of the person sending an alarm signal, afterwards sending a page signal to all pager units carried by the officers assigned to the area, determining the location of the pager units; *col. 4, lines 31-67; col. 6, line 29 thru col. 7, line 30; Fig. 1*); comparing the distance with a list of preferences from a profile database (Comparing distance such as processing the person's and officers' locations in terms of the two-dimensional grid coordinates, determining the location of police/security

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officers relative to the location of a person sending an emergency signal in order to find the closest officer to that person; *col. 4, lines 31-67; col. 6, line 29 thru col. 7, line 30; Fig. 1*); and sending alert notification destined for reception at the plurality of wireless communication devices satisfying the list of preferences (Sending an assistance order signal to the closest officer containing the location of the person along with the other pertinent information retrieved from a security station such as the person's name; *col. 4, lines 31-67; col. 6, line 29 thru col. 7, line 30; Fig. 1*).

Regarding **claim 14**, Shapiro discloses a method comprising the steps of: computing a distance between a received location indication of a wireless communication device and the location of at least one emergency service (A paging database containing locations from the person and an assigned officer, a determination made based on the location of the officers relative to the location of the person, a security system determining the location of the person sending an alarm signal, afterwards sending a page signal to all pager units carried by the officers assigned to the area, determining the location of the pager units; *col. 4, lines 31-67; col. 6, line 29 thru col. 7, line 30; Fig. 1*); comparing the distance with a proximity preference for the wireless communication device from a profile database (Comparing distance such as processing the person's and officers' locations in terms of the two-dimensional grid coordinates, determining the location of police/security officers relative to the location of a person sending an emergency signal in order to find the closest officer to that person; *col. 4, lines 31-67; col. 6, line 29 thru col. 7, line 30; Fig. 1*); and sending an alert notification to one of the at least one emergency service satisfying the proximity preference for the wireless communication device (Sending an assistance order signal to the closest officer containing the location of the person along with the

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other pertinent information retrieved from a security station such as the person's name; *col. 4, lines 31-67; col. 6, line 29 thru col. 7, line 30; Fig. 1*).

Regarding **claim 15**, and as applied to claim 14, Shapiro discloses the aforementioned method, wherein the at least one emergency service comprises at least an officer with wireless communication device (A police/security officer with portable pagers; *Fig. 1, items 38 and 40*).

Regarding **claim 16**, Shapiro discloses a computer readable medium including computer instructions (*Fig. 1, items 12 and 20*) for a communication system, the computer instructions comprising instructions for: computing a distance between a received location and the location of a plurality of wireless communication devices from a location database (A paging database containing locations from the person and an assigned officer, a determination made based on the location of the officers relative to the location of the person, a security system determining the location of the person sending an alarm signal, afterwards sending a page signal to all pager units carried by the officers assigned to the area, determining the location of the pager units; *col. 4, lines 31-67; col. 6, line 29 thru col. 7, line 30; Fig. 1*); comparing a distance with a list of proximity preferences from a profile database (Comparing distance such as processing the person's and officers' locations in terms of the two-dimensional grid coordinates, determining the location of police/security officers relative to the location of a person sending an emergency signal in order to find the closest officer to that person; *col. 4, lines 31-67; col. 6, line 29 thru col. 7, line 30; Fig. 1*); and sending the location and identifier of the plurality of wireless communication devices satisfying the list of proximity preferences destined for reception at one of the plurality of wireless communication devices (Sending an assistance order signal to the closest officer containing the location of the person along with the other pertinent information

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retrieved from a security station such as the person's name; *col. 4, lines 31-67; col. 6, line 29 thru col. 7, line 30; Fig. 1*).

Regarding **claim 17**, Shapiro discloses a computer readable medium including computer instructions for a communication system (*Fig. 1, items 12 and 20*), the computer instructions comprising instructions for: computing a distance between a received location indication of a wireless communication device and the location of at least one emergency service (A paging database containing locations from the person and an assigned officer, a determination made based on the location of the officers relative to the location of the person, a security system determining the location of the person sending an alarm signal, afterwards sending a page signal to all pager units carried by the officers assigned to the area, determining the location of the pager units; *col. 4, lines 31-67; col. 6, line 29 thru col. 7, line 30; Fig. 1*); comparing the distance with a proximity preference for the wireless communication device from a profile database (Comparing distance such as processing the person's and officers' locations in terms of the two-dimensional grid coordinates, determining the location of police/security officers relative to the location of a person sending an emergency signal in order to find the closest officer to that person; *col. 4, lines 31-67; col. 6, line 29 thru col. 7, line 30; Fig. 1*); and sending an alert notification to one of the at least one emergency service satisfying the proximity preference for the wireless communication device (Sending an assistance order signal to the closest officer containing the location of the person along with the other pertinent information retrieved from a security station such as the person's name; *col. 4, lines 31-67; col. 6, line 29 thru col. 7, line 30; Fig. 1*).

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Regarding **claim 18**, and as applied to claim 17, Shapiro discloses the aforementioned computer readable medium, wherein the at least one emergency service comprises at least an officer with wireless communication device (Police/security officers equipped with portable pager units; *Fig. 1, items 38 and 40*).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro (U.S. Pat. No. 5,705,980) in view of Ishizuka et al. (U.S. Pat. No. 6,101,391).

Regarding **claim 12**, and as applied to claim 11, Shapiro discloses the aforementioned method, further comprising the step of: displaying the location and an identifier of a received location (Sending an assistance order signal to the closest officer containing the location of the person along with the other pertinent information retrieved from a security station such as the person's name; *col. 4, lines 31-67; col. 6, line 29 thru col. 7, line 30; Fig. 1*). Shapiro fails to clearly specify the location and the identifier are from a plurality of wireless communication devices satisfying the list of preferences.

In the same field of endeavor, Ishizuka et al. disclose a method for calculating respective distances among mobile stations within the scope of radius (*col. 6, lines 37-39*), determining the location of and a group ID of a particular mobile terminal (*col. 6, lines 44-49*), storing such parameters and retrieving such parameters when the mobile terminal transmits a request to search whether or not other mobile stations having the same group ID as the mobile terminal exist within a particular range (*col. 7, lines 10-20*), subsequently if there are mobile stations the aforesaid criteria a location and an identifier are displayed on the mobile terminal(*col. 7, lines 23-37; col. 9, lines 8-18; col. 11, lines 20-49; col. 12, lines 17-24*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Shapiro method for summoning emergency services in a

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predetermined security are to display the locations of a plurality of mobile devices satisfying a location criteria as taught by Ishizuka et al. for the purpose of providing visual awareness to a requesting positional device.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Lemelson (U.S. Pat. No. 6,028,514), Personal Emergency, Safety Warning System and Method.
- b. Sasaki (JP 2001-339536), Emergency Notice System.
- c. Fomukong (U.S. Pat. No. 5,918,159), Location Reporting Satellite Paging System with Optional Blocking of Location Reporting.

10. Any response to this Office Action should be **faxed to** (703) 872-9306 or **mailed to:**

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Crystal Park II

2021 Crystal Drive

Arlington, VA 22202

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Sixth Floor (Receptionist)

11. Any inquiry concerning this communication on earlier communications from the Examiner should be directed to Ismael Quiñones whose telephone number is (703) 305-8997.

The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.


12. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379, and fax number is (703) 746-9818. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703) 305-4700 or call customer service at (703) 306-0377.

Ismael Quiñones

I.Q.

October 25, 2004


RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER
10/29/04